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Lawyer tells court ex-Goldman banker now accepts US extradition (VIDEO)

Friday, 15 Feb 2019 11:10 AM MYT
By Ida Lim



Roger Ng's lawyer Datuk Tan Hock Chuan speaks to reporters in Kuala Lumpur February 15, 2019, after proceedings for his client's extradition to the US. — Picture by Hari Anggara

KUALA LUMPUR, Feb 15 — Former Goldman Sachs banker Roger Ng officially abandoned his action against his extradition to the US today and will head there to stand trial over charges related to the 1MDB scandal.

One of Ng's lawyers, Datuk Tan Hock Chuan, said his client wished to be sent to the US within 30 days.

"First, I am instructed to inform the court that the respondent has agreed to a waiver of the committal/extradition proceedings before this honourable court," he told Sessions Court judge MM Edwin Paramjothy.



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On December 12, 2018, the Malaysian government via the Attorney General’s Chambers filed an application on behalf of the US government to extradite Ng to the US to face three criminal charges related to 1MDB.

On December 19, 2018, Ng pleaded not guilty in the Sessions Court here to four counts of abetting Goldman Sachs over the sale of 1MDB bonds totalling US\$6.5 billion (RM26.71 billion) by leaving out material facts and making false statements.

Tan said his client plans to defend the charges against him in a court of the Eastern District of New York on its merits.

“Thirdly, the respondent has reached an agreement with the Department of Justice of the United States for bail and the terms thereof,” he said without elaborating on the bail and terms.

“Fourthly and finally, the respondent requests that he be returned to the United States within 30 days,” he added.

When asked to confirm this, Ng confirmed voluntarily agreeing to the waiver.

Following the procedures under Section 22(1)(b) of the Extradition Act 1992, the judge then informed Ng that his waiver would require he be imprisoned here pending the home minister’s issuance of a warrant to return him to the US.

As required under Section 22(1)(b), the judge also told Ng was not eligible to apply for habeas corpus to challenge the incarceration, and that he would be tried for offences that led to the extradition request upon his return to the US.

As for Tan’s request for his client to be returned to the US within one month, DPP Faizal Aswad Masri highlighted the maximum three-month timeframe provided under the law.

“The timeframe is given under Section 43 of the Extradition Act, they can ask to expedite the matter, it’s up to the process and up to the minister of home affairs,” he said.

Under Section 43, the maximum period given is three months, where a person can be discharged if he is not sent out of Malaysia within three months of being committed of being committed to prison while waiting to be returned to any country.

The judge said he would expedite the process initiated to have Ng returned to the US, and committed the former banker to prison pending his return to the US.

Yesterday, another of Ng’s lawyers, Marc Agnifilo, was reported saying Ng was discontinuing his fight against the extradition and intended to defend himself before a US court.

Ng was arrested by Malaysian police on November 1, 2018 pursuant to a provisional arrest warrant issued at US’ request, and has been detained since then.


On the same day Ng was arrested, three counts of criminal indictments charging fugitive businessman Low Taek Jho and Ng were unsealed in the federal court in New York, involving their alleged conspiracy to launder

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of dollars embezzled from 1MDB and alleged conspiracy to


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Ng was also charged then in the US with conspiring to violate the law by circumventing the internal accounting controls of Goldman Sachs when he was working there as a managing director.

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When met outside the courtroom, lawyers Tan and Agnifilo declined to elaborate on the bail terms for their client as agreed by the US DoJ.

"We have an agreement in principle, the specifics of which I am not prepared to get into at this point," he told reporters.

Tan confirmed that no trial date has been fixed in the US for Ng, while also saying that March 18 has been fixed for mention in the Sessions Court in Kuala Lumpur for the criminal charges that Ng is facing.

When asked how Ng's return to the US would affect his case in Malaysia, Tan replied: "I think that's up to the government of Malaysia, what they want to do."

When highlighted that a return to US for Ng within 30 days would be ahead of the Malaysian court date, Tan said: "It really doesn't make a difference. It's only for mention. March 18 is not the trial date, it's just the mention date."

Tan confirmed that Ng has been in prison for 114 days while pending the extradition proceedings, also saying that his client's health was in better condition than previously.

Tan declined comment when asked if his client feels that he would get a fairer trial in the US compared to Malaysia.

Agnifilo explained that his client's waiver of the extradition was akin to him starting afresh in proceedings in the US, without having Malaysian procedures relating to the treaty between the US and Malaysia being tacked along.

"So what he has essentially done is he has waived all of those rights and protections to go to the United States fresh and so we will start the US proceedings fresh without any of the procedures in place," he said.

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